



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,714	10/17/2003	Kyle Brown	RSW920030135US1	4641

23307 7590 06/27/2007
SYNNESTVEDT & LECHNER, LLP
1101 MARKET STREET
26TH FLOOR
PHILADELPHIA, PA 19107-2950

EXAMINER

AIRAPETIAN, MILA

ART UNIT	PAPER NUMBER
----------	--------------

3625

MAIL DATE	DELIVERY MODE
-----------	---------------

06/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/687,714	Applicant(s) BROWN, KYLE	
	Examiner Mila Airapetian	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

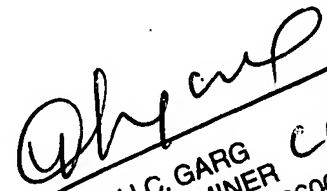
In view of the Appeal Brief filed on 01/19/2007 PROSECUTION IS HEREBY REOPENED.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:


YOGESH C. GARG
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600
c Acting SPE 3625

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mourad et al. (US 2005/0010494) in view of McClung, III (US 7,107,225).

Claim 1.

Mourad et al. (hereinafter Mourad) teaches a method for Internet e-commerce shopping guide comprising:

identifying said one or more commodities using one or more searchable identification parameters [0007], [0050];

monitoring a publicly-searchable, network-accessible databases for acquisition parameters for said one or more commodities using said one or more searchable identification parameters [0050]; and

outputting results of said monitoring step [0050].

Mourad does not teach said publicly-searchable database includes a *plurality* of publicly-searchable databases.

McClung teaches monitoring *all vendors* of identified items (col. 1, line 54), thereby suggesting a “plurality” feature.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mourad to include that publicly-searchable database includes a *plurality* of publicly-searchable databases, as suggested in McClung, because it would advantageously allow to obtain the widest possible range of prices to find the lowest price.

Mourad also does not teach defining a monitoring duration during which acquisition parameters for said one or more commodities will be monitored.

McClung teaches a computer-implemented method for guaranteeing a consumer a best price on an item including monitoring all vendors of an item for a preset time period (col. 1, lines 37-39; col. 1, lines 54-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mourad to include defining a monitoring duration during which acquisition parameters for said one or more commodities will be monitored, as disclosed in McClung, because it would advantageously allow a consumer the assurance that the consumer will not buy an item or service and then find out in the near future that the item or service was made available at a much lower price, as disclosed in McClung (col. 1, lines 22-25).

Claim 2. Mourad teaches said method, wherein said one or more publicly-searchable databases includes shop-bot sites [0050].

Claim 3. Mourad teaches defining an overall duration for conducting said monitoring step; and defining a refresh interval for said monitoring step [0052].

Claim 4. Mourad teaches said method further comprising the step of: identifying one or more alarm conditions; and wherein said monitoring step further comprises at least the step of identifying the occurrence of one or more of said alarm conditions [0050].

Claim 5. Mourad teaches said method wherein said outputting step comprises at least the steps of: sending an email to a user of said method upon the occurrence of one or more of said alarm conditions [0050].

Claim 6. Mourad teaches said method wherein said outputting step comprises at least the steps of: sending an electronic page to a user of said method upon the occurrence of one or more of said alarm conditions [0031].

Claim 8. Mourad teaches said method wherein one of said one or more alarm conditions comprises an acquisition parameter reaching a predefined minimum value [0050].

Claim 9. Mourad teaches said method wherein said acquisition parameter comprises a sale price [0042].

System claims 10-15, 17-18 repeat the subject matter of method claims 1-9 respectively, as a set of apparatus elements rather than a series of steps. As the underlying processes of claims 1-9 have been shown to be fully disclosed by the

teachings of Mourad, and McClung in the above rejections of claims 1-9, it is readily apparent that the system disclosed by Mourad, and McClung includes the apparatus to perform these functions. As such, these limitations are rejected for the same reasons given above for method claims 1-9, and incorporated herein.

Claims 19-24, 26-27 are rejected on the same rationale as set forth above in Claims 1-9.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Mourad and McClung teachings, as applied to claim 1, and further in view of Elston et al. (hereinafter Elston) (US 2002/0143655).

The combination of Mourad and McClung teaches all the limitations of claim 7 except sending an instant message to a user of said method upon the occurrence of one or more of said alarm conditions.

Elston teaches a remote ordering system for mobile commerce wherein the notification can be sent by an instant message [0674].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mourad and McClung to include sending an instant message to a user of said method upon the occurrence of one or more of said alarm conditions, as disclosed in Elston, because it would advantageously allow to avoid any delays in delivering time sensitive information.

System claim 16 repeats the subject matter of method claim 7, as a set of apparatus elements rather than a series of steps. As the underlying processes of claim 7 have been shown to be fully disclosed by the teachings of Mourad, McClung and Elston in the above rejections of claim 7, it is readily apparent that the system disclosed by Mourad, McClung and Elston includes the apparatus to perform these functions. As such, these limitations are rejected for the same reasons given above for method claim 7, and incorporated herein.

Claim 25 is rejected on the same rationale as set forth above in Claim 7.

Response to Arguments

Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mila Airapetian whose telephone number is (571) 272-3202. The examiner can normally be reached on Monday-Friday 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MA